

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRACY AYNES,

Plaintiff,

v.

KELLOGG SNACK COMPANY,

Defendant.

Case No. C07-5623RBL

ORDER ON MOTIONS IN LIMINE

The Court has reviewed the pre-trial motions in limine filed by the parties and the opposition materials that were timely filed. The following evidentiary rulings will apply at trial.

Plaintiff's Motion in Limine:

1. Motion to exclude testimony regarding plaintiff's prior termination.

Ruling: **Granted.** Unless Aynes testifies in a manner that strongly suggests she has never been terminated from prior employment, the evidence of her termination from Coca Cola is not relevant to prove a pattern of conduct on the part of plaintiff. See Fed. R. Ev. 404.

2. Motion to exclude legal advice from counsel concerning Aynes' discipline or termination or the fact that such advice was sought or received.

Ruling: **Granted.**

3. Motion to exclude evidence regarding facts not known to Kellogg at the time of Aynes' termination.

Ruling: **Reserved.**

Defendant's Motion in Limine.

1. Motion to exclude evidence related to plaintiff's employment, or her failure to be employed by Horizon Bank.

Ruling: Plaintiff has not timely responded to this motion. The Court will **reserve** ruling until an oral response is extracted from the plaintiff at the Pre-Trial Conference on January 22, 2009.

2. Motion to exclude any evidence related to plaintiff's expert's analysis of damages not timely disclosed by the deadline for expert's reports.

Ruling: **Reserved.** The outcome of this motion will follow the Court's ruling regarding the Horizon Bank evidence. If the Court allows evidence about Aynes' Horizon Bank employment and termination, the Court will also allow the damages calculation that tracks that termination.

3. Motion to exclude any evidence of statistical disparities in positions held by women at Kellogg.

Ruling: **Denied.**

IT IS SO ORDERED.

Dated this 21st day of January, 2009.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE